

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:
	:
THE ALPHAS COMPANY OF NEW YORK,	: Chapter 7
INC.,	:
	:
Debtor.	: Case No. 14-10510 (ALG)
	:
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**TRUSTEE’S EX-PARTE MOTION TO SHORTEN THE NOTICE PERIOD
WITH RESPECT TO MOTION FOR AN ORDER APPROVING A CERTAIN
SETTLEMENT AGREEMENT PURSUANT TO BANKRUPTCY RULES 2002 AND
9006(c) OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE**

**TO THE HONORABLE ALLAN L. GROPPER,
UNITED STATES BANKRUPTCY JUDGE**

John S. Pereira, as chapter 7 trustee (the “Trustee”) for the estate of The Alphas Company of New York, Inc. (“Alphas” or the “Debtor”), by and through his undersigned counsel, makes this motion (the “Motion”) pursuant to Rules 2002 and 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), to shorten the notice period with respect to Motion for an Order Approving a Certain Settlement Agreement (the “9019 Motion”), filed contemporaneously herewith, and respectfully states as follows:

JURISDICTION

1. The Court has subject jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b) and may be determined by this Court. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

FACTS

2. On March 4, 2014, the Debtor filed a voluntary petition for relief (the “Petition”) under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Southern District of New York (the “Court”), which was amended on March 28, 2014.

3. On June 5, 2014, the Debtor's case was converted to a case under chapter 7 of the Bankruptcy Code.

4. On June 5, 2014, the Trustee was appointed as the interim chapter 7 trustee and later became the permanent chapter 7 trustee for the Debtor's estate.

GROUND FOR THE RELIEF SOUGHT

5. Pursuant to Bankruptcy Rules 2002 and 9006(c), by this motion, the Trustee respectfully requests that the Court shorten the notice period and consider the 9019 Motion at a hearing on **January 5, 2015 at 2:00 p.m. (Eastern Standard Time)**, or as soon thereafter as counsel may be heard. A proposed order is attached hereto as Exhibit "A."

6. Bankruptcy Rule 2002(a)(3) provides that parties in interest must be provided with at least twenty-one (21) days notice of the hearing on approval of a compromise. In addition, Bankruptcy Rule 9006(c)(1) authorizes the Court, for cause shown, to reduce the notice period required under Bankruptcy Rule 2002. The Trustee submits that ample cause exists to shorten the notice period with respect to the 9019 Motion as requested herein.

7. The Trustee submits expedited consideration of the relief requested in this motion is necessary and cause exists to shorten the notice period with respect to the 9019 Motion.

8. As set forth in greater detail in the 9019 Motion, the Trustee and Hunts Point entered into a stipulation and order to vacate the Lift Stay Order granting Hunts Point stay relief to permit eviction of the Debtor from the Premises, so that the Trustee can propose and consummate a Sale of, among other things, the Lease (and the Membership Interests appurtenant to the Lease), free and clear of any and all liens, claims and encumbrances under section 363(f) of the Bankruptcy Code, and subject to higher and better offers. In connection therewith, the

Trustee and the Defendants¹ have entered into the Settlement Agreement to resolve the Debtor's claims in the Actions, stipulate to the Hunts Point Cure Claim, and facilitate a Sale through the Settlement Agreement (and the Stipulation and Order).

NOTICE

9. Pursuant to Bankruptcy Rule 9006(c)(1), the Court may shorten time without notice. Accordingly, no notice of this motion has been given.

NO PREVIOUS REQUEST

10. No previous request for the relief sought herein has been made to this Court or any other Court.

WHEREFORE, the Trustee respectfully requests that the Court approve this motion and enter an order (i) setting the hearing on the 9019 Motion; (ii) providing for objections to the 9019 motion; (iii) directing service of the order granting this motion upon all interested parties, and (iv) granting such other and further relief as the Court deems just and proper.

Dated: New York, New York
December 22, 2014

TROUTMAN SANDERS LLP

By: s/John P. Campo
John P. Campo
Brett D. Goodman
The Chrysler Building
405 Lexington Avenue
New York, New York 10174
Tel: (212) 704-6075

Counsel for the Trustee

¹ Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to such terms in the Motion.

PROPOSED ORDER

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X
In re	:
	:
THE ALPHAS COMPANY OF NEW YORK,	: Chapter 7
INC.,	:
	:
Debtor.	: Case No. 14-10510 (ALG)
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**ORDER GRANTING
EX-PARTE MOTION TO SHORTEN THE NOTICE PERIOD
WITH RESPECT TO MOTION FOR AN ORDER APPROVING A CERTAIN
SETTLEMENT AGREEMENT PURSUANT TO BANKRUPTCY RULES 9019, 2002
AND 9006(c) AND SCHEDULING A HEARING THEREON**

This matter coming before the Court upon the ex-parte motion of John S. Pereira, as chapter 7 trustee (the “Trustee”) for the estate of The Alphas Company of New York, Inc. (the “Debtor”), for entry of an Order (the “Order”) to shorten the notice period with respect to motion for an order approving a certain settlement agreement pursuant to Rules 2002 and 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Motion”);¹ and the Court having reviewed the Motion; and the Court finding that good cause exists for granting the relief requested in the Motion; it is hereby

ORDERED that the Motion is hereby granted; and it is further

ORDERED that a hearing on the 9019 Motion is scheduled to be heard on **January 5, 2015 at 2:00 p.m. (Eastern Standard Time)**; or as soon thereafter as counsel may be heard; and it is further

ORDERED that objections to the 9019 Motion must be made in writing, state with particularity the grounds therefore, shall conform to the United States Bankruptcy Rules and the Local Rules of the Bankruptcy Court, include in the upper right hand corner of the caption, the

¹ Capitalized terms used but not otherwise defined herein shall have the meaning ascribed to such terms in the Motion.

ECF docket number to which the filing relates, and shall be served upon; (ii) the Office of the United States Trustee, 201 Varick Street, Suite 1006, New York, New York 10014 (Attention: Brian S. Masumoto, Esq.); and (iii) counsel for the Trustee, Troutman Sanders LLP, The Chrysler Building, 405 Lexington Avenue, New York, New York 10174 (Attn: John P. Campo, Esq.), and electronically filed with the Clerk of the Court through the court's website at www.nysb.uscourts.gov, in accordance with General Order M-399 (General Orders and the User's Manual for the Electronic Case Filing System with a copy to the Chambers of the Honorable Alan L. Gropper, together with proof of service thereof, so as to be received no later than **4:00 p.m. Eastern Time on December 29, 2014 (the "Objection Deadline")**; and it is further

ORDERED that a preliminary conference on the Motion will be held on **December 30, 2014 at 10:00 a.m. (Eastern Standard Time)**, at the same date and time as the status conference to be held in the case; or as soon thereafter as counsel may be heard; and it is further

ORDERED that the Trustee shall serve this Order and the 9019 Motion (together with all exhibits thereto) upon all interested parties via ECF, email and/or overnight mail by no later than **December ____, 2014**.

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: New York, New York
December __, 2014

PROPOSED

UNITED STATES BANKRUPTCY JUDGE